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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,575	04/15/2004	Tomi Heinonen	037145-1501	8670
30542	7590	11/27/2007		
FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			EXAMINER RAJAN, KAI	
			ART UNIT 3736	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/825,575		Applicant(s) HEINONEN ET AL.	
	Examiner Kai Rajan		Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner acknowledges the amendment filed August 29, 2007.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Nova et al.

U.S. PGPub No. 2003/0212311.

Note to Applicant: Regarding the interpretation of the claims, “adapted to” is a recitation of functional language. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

1. A method, comprising:

receiving at a mobile wireless event handling device, a first signal via a first network, from a monitoring device adapted to convey information relating to physiological parameters, the first signal comprising at least a general broadcast emergency signal and including information corresponding to the physiological parameters and an identification of the monitoring device (Paragraphs 0006 – 0011, 0022 – 0029); and

transmitting from the mobile wireless event handling device, a second signal via a second network, the second signal including at least information corresponding to the identification of the monitoring device (Paragraphs 0022 – 0029).

2. The method of claim 1, wherein the monitor is an implant (Paragraphs 0022 – 0029).
3. The method of claim 1, wherein the monitor is adapted to detect, sense, or measure the physiological parameters (Paragraphs 0022 – 0029).
4. The method of claim 1, wherein the monitor is adapted to stimulate, intervene, or control physiological functions affecting the physiological parameters (Paragraphs 0006, 0022 – 0029).
5. The method of claim 1, wherein the physiological parameters relate to heart function (Paragraphs 0028 – 0029).

6. The method of claim 1, wherein the physiological parameters relate to brain function (Paragraphs 0028 – 0029).

7. The method of claim 1, wherein the first signal and the second signal are wireless signals (Paragraphs 0022, 0027, figure 1).

8. The method of claim 7, wherein the first network and the second network are wireless communication networks (Paragraphs 0022, 0027, figure 1).

9. The method of claim 8, wherein the second network is a cellular network (Paragraphs 0022, 0027, figure 1).

10. The method of claim 1, further comprising:
processing the first signal prior to transmitting the second signal (Paragraphs 0022 – 0029).

11. The method of claim 10, wherein processing further comprises:
verifying a source of the first signal (Paragraphs 0022 – 0029);
identifying an event associated with the first signal and related to the physiological parameters (Paragraphs 0022 – 0029); and
determining a target for the second signal (Paragraphs 0022 – 0029).

12. A system for handling an event, comprising:

a monitoring device adapted to convey information relating to one or more physiological parameters, the monitoring device being further adapted to transmit a signal via a first network, the signal comprising at least a general broadcast emergency signal and including information corresponding at least to an identification of the monitoring device (Paragraphs 0022 – 0029);
and

a mobile wireless event handling device adapted to receive signals from the monitoring device including information corresponding to the identification of the monitoring device, the mobile wireless event handling device being further adapted to transmit a signal including information corresponding to the identification of the monitoring device via a second network (Paragraphs 0022 – 0029).

13. The system of claim 12, wherein the monitoring device is implanted in a human body (Paragraphs 0010, 0022 – 0029).

14. The system of claim 12, wherein the monitoring device is adapted to detect, sense, or measure the physiological parameters (Paragraphs 0022 – 0029).

15. The system of claim 12, wherein the monitoring device is adapted to stimulate, intervent, or control physiological functions affecting the physiological parameters (Paragraphs 0022 – 0029).

16. The system of claim 12, wherein the physiological parameters relate to heart function (Paragraphs 0022 – 0029).

17. The system of claim 12, wherein the physiological parameters relate to brain function (Paragraphs 0022 – 0029).

18. The system of claim 12, wherein the monitoring device is adapted to transmit wireless signals (Paragraphs 0022 – 0029).

19. The system of claim 12, wherein the monitoring device is adapted to transmit a signal when one or more physiological parameters satisfies a predetermined criteria (Paragraphs 0006 – 0011, 0022 – 0029).

20. The system of claim 12, wherein the monitoring device is adapted to transmit signals on a substantially continuous basis (Paragraphs 0006 – 0011, 0022 – 0029, 0056).

21. The system of claim 12, wherein the mobile wireless event handling device is adapted to transmit signals when one or more physiological parameters satisfies a predetermined criteria (Paragraphs 0006 – 0011, 0022 – 0029).

22. The system of claim 12, wherein the mobile wireless event handling device is adapted to transmit wireless signals via a second network (Paragraphs 0022, 0027, figure 1).

23. The system of claim 12, wherein the mobile wireless event handling device comprises:

a data processing module adapted to verify a source of signals received, the data processing module being further adapted to identify an event associated with received signals and to determine a target for transmitted signals (Paragraphs 0006 – 0011, 0022 – 0029).

24. A physiological monitoring device, comprising:

a monitoring module for conveying information relating to physiological parameters (Paragraphs 0006 – 0011, 0022 – 0029); and

a transmitter adapted to transmit a signal via a first wireless network, the signal comprising at least a general broadcast emergency signal and including information corresponding at least to an identification of said monitoring module and an event information related to the physiological parameters (Paragraphs 0006 – 0011, 0022 – 0029).

25. The device of claim 24, wherein the monitoring module is implanted in a human body (Paragraph 0010).

26. The device of claim 24, wherein the monitoring module is adapted to detect, sense, or measure the physiological parameters (Paragraphs 0006 – 0011, 0022 – 0029).

27. The device of claim 24, wherein the monitoring module is adapted to stimulate, intervent, or control physiological functions affecting the physiological parameters (Paragraphs 0006 – 0011, 0022 – 0029).

28. The device of claim 24, wherein the physiological parameters relate to heart function (Paragraphs 0006 – 0011, 0022 – 0029).

29. The device of claim 24, wherein the physiological parameters relate to brain function (Paragraphs 0006 – 0011, 0022 – 0029).

30. The device of claim 24, wherein the transmitter is adapted to transmit wireless signals (Paragraphs 0006 – 0011, 0022 – 0029).

31. The device of claim 24, wherein the transmitter is adapted to transmit the signal when one or more physiological parameters satisfies a predetermined criteria (Paragraphs 0006 – 0011, 0022 – 0029).

32. The device of claim 24, wherein the transmitter is adapted to transmit the signal on a substantially continuous basis (Paragraphs 0006 – 0011, 0022 – 0029, 0056).

33. A mobile wireless event handling device, comprising:

a receiving module adapted to receive signals via a first wireless network, the signals comprising at least a general broadcast emergency signal and including information corresponding to the physiological parameters and an identification of the monitor, the general broadcast emergency signal being adapted for receipt by all mobile devices within communication range of the monitor and being equipped with at least minimal event handling capabilities (Paragraphs 0006 – 0011, 0022 – 0029); and

a transmitting module adapted to transmit signals including at least information corresponding to the identification of the monitor via a second network (Paragraphs 0006 – 0011, 0022 – 0029).

34. The device of claim 33, wherein the monitor is adapted to detect, sense, or measure the physiological parameters (Paragraphs 0006 – 0011, 0022 – 0029).

35. The device of claim 33, wherein the monitor is adapted to stimulate, intervent, or control physiological functions affecting the physiological parameters (Paragraphs 0006 – 0011, 0022 – 0029).

36. The device of claim 33, wherein the transmitting module is adapted to transmit signals when one or more physiological parameters satisfies a predetermined criteria (Paragraphs 0006 – 0011, 0022 – 0029).

37. The device of claim 33, wherein the transmitting module is adapted to transmit wireless signals via the second network (Paragraphs 0006 – 0011, 0022 – 0029).

38. The device of claim 33, further comprising:

a data processing module adapted to verify a source of signals received by the receiving module, the data processing module being further adapted to identify an event associated with the signals received by the receiving module and to determine a target for signals transmitted by the transmitting module (Paragraphs 0006 – 0011, 0022 – 0029).

39. A program product, comprising machine readable program code for causing a mobile wireless event handling device to perform the following steps:

receiving a first signal from a monitor adapted to convey information related to physiological parameters via a first network, the first signal comprising at least a general broadcast emergency signal and including information corresponding to the physiological parameters and an identification of the monitor, the general broadcast emergency signal being adapted for receipt by all mobile devices within communication range of a source of the first signal and being equipped with at least minimal event handling capabilities (Paragraphs 0006 – 0011, 0022 – 0029); and

transmitting a second signal via a second network, the second signal including at least information corresponding to the identification of the monitor (Paragraphs 0006 – 0011, 0022 – 0029).

40. The method of claim 1, wherein the second signal further includes identification of the mobile wireless event handling device (Paragraphs 0006 – 0011, 0022 – 0029).

41. The method of claim 1, wherein the first signal comprises a broadcast communication device (Paragraphs 0006 – 0011, 0022 – 0029).

42. The method of claim 1, wherein the general broadcast emergency signal is adapted for receipt by all mobile wireless event handling devices within communication range of the monitoring device (Paragraphs 0006 – 0011, 0022 – 0029).

43. The method of claim 42, wherein the mobile wireless event handling devices are equipped with at least minimal event handling capabilities for receiving the general broadcast emergency signal (Paragraphs 0006 – 0011, 0022 – 0029).

44. The method of claim 1, wherein the mobile wireless event handling devices includes at least minimal event handling capabilities for receiving the general broadcast emergency signal (Paragraphs 0006 – 0011, 0022 – 0029).

45. The system of claim 12, wherein the general broadcast emergency signal is adapted for receipt by all mobile devices within communication range of the monitoring device and being equipped with at least minimal event handling capabilities (Paragraphs 0006 – 0011, 0022 – 0029).

46. The device of claim 24, wherein the general broadcast emergency signal is adapted for receipt by all mobile devices within communication range of the transmitter and being equipped with at least minimal event handling capabilities (Paragraphs 0006 – 0011, 0022 – 0029).

47. The method of claim 1, wherein the first signal further includes information conveying location of the monitoring device (Paragraphs 0006 – 0011, 0022 – 0029).

48. The system of claim 12, wherein the signal further includes information conveying location of the monitoring device (Paragraphs 0006 – 0011, 0022 – 0029).

49. The device of claim 24, wherein the signal further includes information conveying location of the monitoring device (Paragraphs 0006 – 0011, 0022 – 0029).

50. The device of claim 33, wherein the signal further includes information conveying location of the monitoring device (Paragraphs 0006 – 0011, 0022 – 0029).

51. The program product of claim 39, wherein the signal further includes information conveying location of the monitoring device (Paragraphs 0006 – 0011, 0022 – 0029).

Response to Arguments

Applicant's arguments with respect to claims 1 – 51 have been considered but are moot in view of the new ground(s) of rejection.

Applicant is invited to request an interview to discuss suggestions to overcome the applied prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kai Rajan whose telephone number is 571-272-3077. The examiner can normally be reached on Monday - Friday 9:00AM to 4:00PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KR
November 26, 2007



Michael Astorino